

REMARKS

Status of the Claims

Claims 23, and 25-34 are pending in this application.

Claims 23, 25-28, and 30-34 are rejected.

Claims 1-22, 24 and 35-56 have been canceled, without prejudice.

Rejection of Claim 33 Under 35 U.S.C. § 112

Claim 33 was rejected under 35 U.S.C. §112 second paragraph, for lacking proper antecedent basis. Independent claim 30 and dependent claim 33 have been amended to include a "multi-function backing plate," which replaces the term "backing assembly." This provides proper antecedent basis for the "multi-function backing plate" mentioned in claim 33. Applicant believes this rejection has been obviated by these amendments to the claims. Applicant believes that no new matter has been added.

Rejection of Claim 30 Under 35 U.S.C. § 102(b)

Claim 30 has been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Number 4,023,029 issued to Fischer (hereafter Fischer), and U.S. Patent Number 5,805,366 issued to McFarland (hereafter McFarland). The Office Action indicated that Fischer discloses:

[a] mirror assembly for a vehicle comprising a mirror device (50) which inherently includes a mirror housing due to the fact that bulbs, similar to bulbs 30, and colored filters are provided within said device (see column 4, lines 49-55), a first reflective element (51) having a first field of view; a second reflective element (52) having a second field of view, the second field of view being wider than the first field of view, and an indicator light assembly (the bulbs, similar to bulbs 30, along with elements (53, 55, and 56)) for generating a light signal, wherein the first reflective element,

second reflective element and indicator assembly are operably associated with the mirror device (mirror housing). Note figures 1, 3, 5 and 6 along with the associated description thereof.

Applicant now respectfully traverses the rejection of claim 30 and maintains that Fischer does not anticipate each and every element of claim 30.

Applicant submits that claim 30 of the present invention has been amended to include "a multi-function backing plate supported by the mirror housing" and "the first reflective element, second reflective element, and indicator light assembly are supported by the multi-function backing plate". Applicant submits that Fischer does not disclose this limitation. Fischer discloses a reflective mirror having an illuminating means in the form of a pair of light bulbs 30 removably attached to receptacles 31. See col. 3, lines 51-53. The receptacles (31) are fixed to a plate (32) that forms part of the universal mounting or ball (33) and socket (34). Col. 3, lines 53-55. Fischer does not disclose a multi-function backing plate nor does it disclose the backing plate supporting the first and second reflective element and indicator light assembly. The light assembly of Fischer is clearly affixed to a plate (32) through the receptacles (31) neither of which support the first and second reflective element as required by claim 30. For this reason, Applicant maintains that Fischer does not disclose all of the limitations of claim 30 therefore, removal of the rejection is respectfully requested.

Furthermore, Applicant notes that the specification and drawings of Fischer do not teach or suggest a multi-function backing plate supporting both the first and second reflective elements as well as an indicator light assembly. For this reason Applicant maintains that Fischer would not render obvious claim 30 of the present application.

The Office Action indicated that McFarland discloses:

a mirror assembly for a vehicle comprising a mirror housing (12, 12b), a first reflective element (14) having a first field of view; a second reflective element (16) having a second field of view, the second field of view being wider than the first field of view, and an indicator light assembly (18 or 20) which inherently generates a light signal, wherein the first reflective element, second reflective element and indicator assembly are operably associated with the mirror housing.

Applicant now respectfully traverses the rejection of claim 30 and maintains that McFarland does not anticipate each and every element of claim 30. Applicant maintains that amended claim 30 now contains the limitations of a multi-function backing plate supported by the mirror housing, wherein the first and second reflective elements and the indicator light assembly are supported by the multi-function backing plate. McFarland discloses a moving mirror apparatus that provides both a conventional mirror and a convex mirror increasing the drivers ability to locate other vehicles in close proximity. See col. 2, lines 46-49. McFarland further discloses a housing assembly (12) that has a housing face plate (12a). The face plate is a structure that has cut-outs for placement of a conventional mirror, a convex mirror and a break light indicator (18) and a turn signal light indicator (20). Col. 2, lines 20-23. There is nothing in the specification or drawings of McFarland that discloses the first and second reflective element and indicator light assembly being supported by a multi-function backing plate. Simply put that face plate (12a) is not a multi-function backing plate, but rather is just a surface of the housing member (12). Therefore, Applicant maintains that McFarland does not disclose each and every element of independent claim 30, as such, Applicant requests removal the rejection and allowance thereof.

Furthermore, the specification and the drawings of the McFarland reference do not teach or suggest a mirror housing used to support a multi-function backing plate, with the multi-function backing plate supporting a first and second reflective element, along with an indicator light assembly. Therefore, in addition to failing to anticipate claim 30, it would also not be obvious to one of ordinary skill in the art to render the claims of the present invention obvious by virtue of McFarland. Therefore, Applicant respectfully requests the removal of the rejection of claim 30.

Rejection of Claims 23, 25-28, 31, 32, 33, and 34 Under 35 U.S.C. § 103(a)

The Office Action indicated that claims 31 and 32 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Fischer or McFarland. In order for the proposed references to be relied upon, a person having ordinary skill in the art at the time of the invention must have been motivated to modify the references based upon the teachings of those references.

Applicant notes that claims 31 and 32 are dependent upon claim 30 and therefore contain all of the limitations of claim 30. As such Applicant notes that claims 31 and 32 contain the limitations of a multi-function backing plate that supports the first and second reflective elements as well as an indicator light assembly.

With regard to Fischer, Fischer does not teach or suggest a multi-function backing plate that houses an indicator light assembly and the first and second reflective elements. The indicator light assembly in Fischer is connected to a plate (32). See col. 3, lines 50-55. As shown in Fig. 3 and Fig. 5 of Fischer, the plate 32 does not support the first and second reflective elements, therefore, there is nothing in Fischer that teaches or suggests the limitations of claims 31 and 32.

With regard to McFarland, Applicant maintains that McFarland also does not teach or suggest a multi-function backing plate being used to support an indicator light assembly and a first and second reflective element. The specification and drawings of McFarland do not show the interior contents of the mirror housing (12). McFarland does disclose a face plate (12a), however, the face plate appears to just be one side of the housing (12) and does not disclose supporting the first reflective element, second reflective element and the indicator light assembly. Therefore, Applicant maintains that claims 31 and 32 are not rendered obvious by McFarland. The removal of the rejection is respectfully requested.

The Office Action has also indicated that claim 33 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over McFarland in view of U.S. Patent 3,375,053 issued to Ward (hereafter Ward), and U.S. Patent Number 3,563,638 issued to Panozzo (hereafter Panozzo). The Office Action stated:

To the extent the claim is definite, McFarland discloses all of the subject matter claimed, note the above explanation, except for explicitly stating that the second reflective element includes a backing assembly formed in a desired shape of the second reflective element. Ward and Panozzo each teaches it is well known to use a backing assembly in the same field of endeavor for the purpose of supporting a desired shape of a reflective element. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the second reflective element of McFarland to include a backing assembly, as taught by Ward and Panozzo, in order to reduce vibrations.

Claim 33 is dependent upon independent claim 30 and therefore contains all of the limitations of claim 30. As stated above, amended claim 30 now contains the limitation of a multi-function backing plate that supports the first and second reflective elements as well as the indicator light assembly. As indicated above, McFarland does not teach or suggest this limitation, therefore, Ward or Panozzo must teach or suggest this limitation or the rejection will fall.

With regard to Ward, Ward, is directed to a rearview truck mirror having two reflective elements with one of the reflective elements being adjustable. See Ward abstract. Ward does not teach or suggest an indicator light assembly, nor does it teach or suggest a multi-function backing plate where the first and second reflective elements and light indicator assembly supported. Therefore, there is nothing in the specification or drawings of Ward that teaches or suggests all of the limitations of claim 33 of the present invention.

With regard to Panozzo, Panozzo teaches or suggests a mirror assembly for a vehicle having a convex mirror. There is nothing in Panozzo that teaches or suggests an indicator light assembly, nor is there anything in Panozzo that teaches or suggest a multi-function backing plate supporting a first reflective element, second reflective element and indicator light assembly. Furthermore, Panozzo teaches how a "planar mirror 12 is engaged by a pair of resilient molding strips 32, 34 having a U-shaped cross section which are disposed in the channels 26, 28 respectively" Col. 2, Lines 70-72. Panozzo also teaches how the "mirror 12 is spaced above the convex mirror 14 and separated therefrom by a horizontal molding segment 38." Col 4, Lines 1-2. As such, Panozzo does not teach or suggest a multi-function backing plate. For all of these reasons, Applicant maintains that claim 33 is not rendered obvious under McFarland in view of Ward or Panozzo. Removal of the rejection is respectfully requested.

The Office Action has also specified that claim 34 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over McFarland in view of Ward, and U.S. Patent Number 5,615,054 issued to Lang et al (hereafter Lang). The Office Action stated:

McFarland discloses all of the subject matter claimed, note the above explanation, except for explicitly stating that the second reflective element is adjustable independently of the first reflective element. Ward and Lang

et al each teaches it is well known to adjust a second reflective element independently of a first reflective element in the same field of endeavor for the purpose of independently viewing different blind spots of interest. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the second reflective element of McFarland to be independently adjustable with respect to said first reflective element, as taught by Ward and Lang et al, in order to independently view different blind spots of interest.

Since McFarland does not teach or suggest a multi-function backing plate supported by a mirror housing, or a multi-function backing plate used to support a first reflective element, a second reflective element, and an indicator light assembly, the combination of McFarland in view of Ward or Lang does not teach or suggest these elements either.

Neither Ward nor Lang make up for the deficiencies left by McFarland. As previously stated, Ward does not teach or suggest a multi-function backing plate used for supporting a first reflective element, a second reflective element, and an indicator light assembly, as taught by claim 30.

Lang does not fill the gap left by Ward and McFarland. Lang teaches how "two mirror glasses 10, 11 are supported on the bearing plate 6 to be pivotable by means of pivoting hinge 12,13 in the form of a ball-and-socket joint. The lower mirror glass 10 represents the slightly convex main mirror glass, whereas the upper mirror glass 11 is a smaller wide angle mirror" Col. 3, Lines 34-39. Lang does not teach or suggest the use of a multi-function backing plate used to support an indicator light assembly, as taught by claim 30. Therefore, it would not have been obvious at the time of the invention by one of ordinary skill in the art to modify McFarland in view of Lang.

Since McFarland in view of Ward or Lang does not teach or suggest all of the elements of claim 34, Applicant respectfully requests removal of the rejection of claim 34 and alliance thereof.

The Office Action has also indicated that claims 23 and 25-28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 4,678,294 issued to Van Nostrand (hereafter Van Nostrand) in view of U.S. Patent 2,180,610 issued to Ritz-Woller (hereafter Ritz-Woller). The Office Action stated:

Van Nostrand discloses a mirror assembly for a vehicle comprising a mirror housing (2), a first reflective element (4) having a first field of view; a second reflective element (9) having a second field of view, the second field of view being wider than the first field of view, wherein the first and second reflective elements are operably associated with the mirror housing, not figures 1 to 3, along with the associated description thereof, except for an indicator light assembly having a light source and a lens operably associated with the mirror housing. Ritz-Woller teaches it is well known to use an indicator light assembly having a light source and a lens operably associated with the mirror housing in the same field of endeavor for the purpose of indicating/warning drivers of a vehicle of potential danger. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the mirror housing of Van Nostrand to include an indicator light assembly having a light source and lens, as taught by Ritz-Woller, in order to indicate/warn the driver of the vehicle of potential danger. As to the limitations of claims 25 to 27, it is well known to use a plurality of light emitting diodes (LEDs) in the same field of endeavor for the purpose of increasing an area of illumination with reduced consumption of electrical energy. Note the references cited of record. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the single light source of Van Nostrand in view of Ritz-Woller to include a plurality of light emitting diodes (LEDs), as is commonly used and employed in the art, in order to increase the area of illumination with reduced consumption of electrical energy. As to the limitations of claim 28, it is well known to use a light pipe in the same field of endeavor for the purpose of concentrating and directing light to a particular direction. Note the references cited of record. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the light source of Van Nostrand in view of Ritz-Woller to include a light pipe, as is commonly used and employed in the art, in order to concentrate light to the lens.

Claim 23 has been amended to include how the multi-function backing plate is used to support an indicator light assembly. The combination of Van Nostrand in view of Ritz-Woller does not teach or suggest a multi-function backing plate that is used to support a first and second reflective element and an indicator light assembly as

currently recited in claim 23 of the application. Applicant will now respectfully traverse the rejection.

With regard to Van Nostrand, Van Nostrand teaches a mirror assembly for a vehicle such as a motor home or semi-truck that includes two reflective elements. There is nothing in the disclosure or drawings of Van Nostrand that teach or suggest a multi-function backing plate capable of supporting a first and second reflective element and an indicator light assembly. Van Nostrand does not teach or suggest an indicator light assembly, much less a backing plate that supports this element. For this reason, Applicant believes that claim 23 of the present application is not rendered obvious by Van Nostrand.

With regard to Ritz-Woller, Applicant maintains that Ritz-Woller fails to fill the gap left by Van Nostrand. Ritz-Woller teaches a truck mirror having a clearance lamp device. The specification and drawings of Ritz-Woller show a single pane mirror that has a light 36 connected to the casing member. The mirror (24) is supported by the casing member (23). However, the light source (30) is supported by a ring (32) and a bracket (34). See page 2, col. 1, lines 30-35. Therefore, Applicant maintains that there is no teaching in Ritz-Woller that shows a multi-function backing supporting both the indicator light assembly and first and second reflective elements. Even if it were to be assumed that the reflective element (24) and light source (36) were supported by the casing (23), which is analogous to the multifunction backing plate, this argument would not work since a mirror housing that would not be taught or suggested by the combination of elements. As such, Applicant maintains that claims 23 and 25-28 are not rendered obvious under Van Nostrand in view of Ritz-Woller.

Since Van Nostrand in view of Ritz-Woller does not teach or suggest all of the elements of claims 23 and 25-28, Applicant respectfully requests removal of the rejection of claim 34 and allowance thereof.

CONCLUSION

It is respectfully submitted that in view of the above amendments and remarks claims 23, 25-28, and 30-34 are allowable. Therefore Applicant submits that the pending claims are now properly allowable, which allowance is respectfully requested. The Examiner is invited to telephone the Applicant's undersigned attorney at (248) 364-4300 if any unresolved matters remain.

Respectfully submitted,

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